

## **Math and Science Academy**

Adopted: March 4, 2003

Revised: November 19, 2018

### **417 CHEMICAL USE AND ABUSE**

*[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]*

#### **I. PURPOSE**

The MSA Board of Directors (BOD) recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general. The BOD believes that the public school has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist MSA in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

#### **II. GENERAL STATEMENT OF POLICY**

- A.** Use of controlled substances, medical cannabis, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies with respect to a Drug- Free Workplace/Drug-Free School.
- B.** The policy of MSA is to provide an instructional program in chemical abuse and the prevention of chemical dependency.
- C.** MSA shall establish and maintain a chemical abuse pre-assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D.** MSA shall establish and maintain a program to educate and assist employees, students and others in understanding this policy and the goals of achieving a drug- free school and workplace.

*[Note: Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical dependency.]*

### III. DEFINITIONS

- A. “Chemical abuse” means use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that the student’s normal function in academic, school, or social activities is chronically impaired.
- B. “Chemicals” includes, but is not limited to, alcohol, toxic substances, medical cannabis, and controlled substances as defined in the school’s Drug-Free Workplace/Drug-Free School policy.
- C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. “School location” includes any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off-school property at any school- sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school; or during any period of time such employee is supervising students on behalf of the school or otherwise engaged in MSA business.

### IV. STUDENTS

#### A. Instruction

1. MSA shall provide an instructional program in chemical abuse and the prevention of chemical dependency. MSA may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.

*[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district’s mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. through 6. below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]*

2. MSA shall have age-appropriate and developmentally based activities that:

- a. address the consequences of violence and the illegal use of drugs, as appropriate;
  - b. promote a sense of individual responsibility;
  - c. teach students that most people do not illegally use drugs;
  - d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in the high school that reinforce prevention activities implemented in the middle school.
3. MSA shall have activities that involve families, community sectors (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs.
  4. MSA shall disseminate drug and violence prevention information within the school and to the community.
  5. MSA shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.
  6. MSA shall have drug and violence prevention activities that *may* include the following:
    - a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
    - b. The hiring and mandatory training, based on scientific research, of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in MSA.
    - c. Conflict resolution programs, including peer mediation programs that educate and train peer mediators and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
    - d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-based mental

health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

- e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

## **B. Reports of Chemical Use and Abuse**

1. In the event that a MSA employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
  - a. The employee shall immediately either take the student to the Director or notify the Director of the observation and continue to observe the student until the Director arrives.
  - b. The Director will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
  - c. The Director will notify law enforcement officials, the school psychologist if appropriate, and the chemical pre-assessment team.
  - d. The Director and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by MSA officials shall be in accordance with BOD policies regarding search and seizure.
  - e. MSA will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If an MSA employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
  - a. The employee shall notify the Director or a member of the pre- assessment team and shall describe the basis for the suspicion. The Director and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
  - b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team will select an appropriate course of action, which may include referral to the school psychologist; referral to a treatment program;

referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.

3. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56, and proposed for expulsion.
4. Searches by MSA officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with BOD policies related to search and seizure.

#### **C. Pre-assessment Team**

1. MSA shall have a chemical abuse pre-assessment team designated by the Director or designee. The team will be composed of classroom teachers, the Director or Assistant Director, and other appropriate professional staff to the extent they exist in the school, such as the school nurse, school counselor or psychologist, social worker, chemical abuse specialist, or others.
2. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
3. Within forty-five (45) days after receiving an individual reported case, the team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about MSA and community services in connection with chemical abuse.

#### **D. Data Practices**

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.
2. Destruction of Records
  - a. If the pre-assessment team decides not to provide a student and, in the case of a minor, the student's parents with information about MSA or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
  - b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in MSA.

- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

#### **E. Consent**

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

### **V. EMPLOYEES**

- A. The Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
  - 1. The dangers and health risks of chemical abuse in the workplace/school.
  - 2. MSA's drug-free workplace/drug-free school policy.
  - 3. Any available drug or alcohol counseling, treatment, rehabilitation, re- entry, and/or assistance programs available to employees and/or students.
  - 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The Director or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Director.

***[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. § 8103.]***

**Legal References:** Minn. Stat. § 13.32 (Educational Data)  
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)  
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
Minn. Stat. § 138.163 (Records Management Act)  
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)  
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)  
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)  
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)  
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)  
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free

Workplace)

***Cross References:*** MSA Policy 418 (Drug-Free Workplace/Drug Free School)  
MSA Policy 502 (Search of Student Lockers, Desks, Personal Possessions,  
and Student's Person)  
MSA Policy 506 (Student Discipline)  
MSA Policy 515 (Protection and Privacy of Pupil Records)